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Attorneys for Defendant  
State Street Global Advisors, Inc.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**TRUSTEES OF THE WESTERN STATES  
HEALTH & WELFARE TRUST FUND OF  
THE OPEIU**

**PLAINTIFFS,**

v.

**STATE STREET GLOBAL ADVISORS,  
INC.,**

**Defendant.**

**Case No. 11-CV-1192 HA**

**DEFENDANT STATE STREET  
GLOBAL ADVISORS, INC.'S ANSWER  
TO COMPLAINT**

Defendant State Street Global Advisors, Inc. ("State Street") by and through its attorneys, allege as follows in response to plaintiffs' Complaint.

1. State Street lacks sufficient information as to the allegations of paragraphs 1 and 2 and on that basis denies the same.
2. State Street admits the allegation of paragraph 3.
3. Answering paragraphs 4 and 5, State Street does not contest jurisdiction and venue.
4. Answering paragraphs 6-19, State Street generally denies those allegations. State Street further alleges that State Street and plaintiffs have been involved in discussions to resolve

this dispute with other potentially responsible parties; as a result, plaintiffs have agreed that it is acceptable for State Street to generally deny the allegations at this point, and that if the parties are not able to resolve the case then plaintiffs have no objection to State Street filing an Amended Answer and Affirmative Defenses.

5. Except as expressly admitted above, State Street denies each allegation of the Complaint.

For its AFFIRMATIVE DEFENSES State Street alleges as follows:

6. Plaintiffs failed to mitigate damages
7. Plaintiffs were contributorily at fault.
8. Plaintiffs' damages were caused by entities other than State Street.
9. Plaintiffs have failed to add as defendants indispensable parties.
10. Plaintiffs' damages are limited by a limitation of liability provision in the subject contract.

DATED this 13<sup>th</sup> day of February, 2012.

**DAVIS WRIGHT TREMAINE LLP**

By /s/ *Eric L. Dahlin*  
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